

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 11-8054 CAS (SSx)	Date	October 31, 2011
Title	FRANK DUFOUR v. ROBERT ALLEN, ET AL.		

Present: The Honorable	CHRISTINA A. SNYDER, U.S. DISTRICT JUDGE	
RITA SANCHEZ	N/A	N/A
Deputy Clerk	Court Reporter / Recorder	Tape No.
Attorneys Present for Plaintiffs:	Attorneys Present for Defendants:	
N/A	N/A	

Proceedings: (In Chambers:) **ORDER TO SHOW CAUSE RE: WHY ACTION SHOULD NOT BE REMANDED FOR LACK OF SUBJECT MATTER JURISDICTION**

I. INTRODUCTION

On September 28, 2011, plaintiff Frank Dufour filed a complaint in this Court against Robert Allen (“Allen”); Enlightened Wealth Institute L.C. (“EWI”); Prosper, Inc. (“Prosper”); Green Planet f/k/a Freedom Mortgage (“Green Planet”); PNC BANK f/k/a National City (“PNC”); Opteum (“Opteum”); Midland Mortgage Company (“Midland”); Aurora Loan Services (“Aurora”); Sherson Lehman (“Sherson”); Charlie Payne (“Payne”); Trent Staggs (“Staggs”) and DOES 1–10 (collectively, “defendants”) for fraud and misrepresentation; negligence; breach of contract; recession with constructive trust; and declaratory relief. Plaintiff contends this Court has jurisdiction over the instant action based on diversity pursuant to 28 U.S.C. § 1332.

II. DISCUSSION

Jurisdiction founded on diversity requires that parties be in complete diversity and the amount in controversy exceed \$75,000. Matheson v. Progressive Speciality Ins. Co., 319 F.3d 1089, 1090 (9th Cir. 2003); see 28 U.S.C. § 1332(a)(1) (“[T]he district courts shall have original jurisdiction of all civil actions where the matter of controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between . . . citizens of different States . . .”). Federal courts have jurisdiction only where there is complete diversity: the plaintiff’s citizenship must be diverse from that of each named defendant. 28 U.S.C. §§ 1332(a), 1332(c)(1).

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Remand may be ordered either for lack of subject matter jurisdiction or for any defect in removal procedure. See 28 U.S.C. § 1447(c).

Here, the complaint fails to state the domicile of every named defendant and, thus, fails to demonstrate complete diversity. See generally, complaint; 28 U.S.C. § 1332.

III. CONCLUSION

Based on the foregoing, plaintiff is hereby ORDERED to SHOW CAUSE within **twenty (20) days** why the instant action should not be remanded for lack of complete diversity.

IT IS SO ORDERED.

Initials of
Preparer

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